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5.01 DISCRIMINATION PROHIBITED

VA (Department of Veterans Affairs) aid, as provided in M-1, part I, chapter 3, paragraphs 3.05 through 3.14, will not be paid unless there is compliance with the provisions of 38 CFR (Code of Federal Regulations) Part 18, Subparts A, D, and E, prohibiting discrimination on the bases of race, color, national origin, handicap, or age.

5.02 RESPONSIBILITY

a. The Secretary, Department of Health and Human Service, has agreed to assume the responsibilities of VA under 38 CFR Section 18.4, Section 18.6, and Section 18.7.

(1) Under this arrangement the Department of Health and Human Services will:

- (a) Make periodic compliance reviews of State homes,
- (b) Receive complaints, and
- (c) Conduct investigations.

(2) The VA specifically reserved for itself the responsibilities for the effectuation of compliance under 38 CFR Section 18.8, "Procedure for Effecting Compliance;" Section 18.9, "Hearing," and Section 18.10, "Decisions and Notices."

b. VA Facilities will promptly forward any information on possible violations of 38 CFR Part 18 to the ACMD (Assistant Chief Medical Director) for Geriatrics and Extended Care. Such information will be then forwarded to the Secretary, Department of Health and Human Services.

c. The ACMD for Geriatrics and Extended Care will obtain from each new State home, VA Form 27-8206, Statement of Assurance of Compliance with Title VI, Civil Rights Act of 1964, a Statement of Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, and a Statement of Assurance of Compliance with the Age Discrimination Act.

d. It will be the responsibility of the ACMD for Geriatrics and Extended Care to forward to the Director, Office for Civil Rights, Department of Health and Human Service, 5400 North Building, 330 Independence Avenue, SW, Washington, DC 20201, the following information:

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- (1) Copies of VA Form 27-8206 when approving a new State home.
- (2) Notification when a new level of care is approved at an existing State home.